

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff(s),

**CASE NUMBER: 06-13429
HONORABLE VICTORIA A. ROBERTS**

v.

LUTHER JAMES MCCASKILL,

Defendant(s).

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ORDER

This matter is before the Court on two motions and a "Notice" filed by Defendant Luther James McCaskill: 1) Motion for Reconsideration of Denial of Motion to Challenge the Court's Authority and Jurisdiction (Doc. #23); 2) Motion to Determine Sufficiency of the Objections to Intervenor's Request for Admissions and Request for Hearing or Conference (Doc.# 25); and 3) Notice to Plaintiff that Intervenor's Request for Admissions Dated September 25, 2006 have been Deemed Admitted (Doc. #24).

In the first motion, Defendant requests that the Court reconsider its decision on his Motion to Challenge the Court's Authority and Jurisdiction. In an Order entered October 13, 2006, the Court construed Defendant's motion as one to dismiss for lack of subject matter jurisdiction and denied the motion.

A party who requests reconsideration of a court's ruling must show that there is a palpable defect by which the court and the parties have been misled, and must further show that correcting the defect will result in a different disposition of the case. Eastern

District of Michigan Local Rule 7.1(g)(3). “A ‘palpable defect’ is a defect which is obvious, clear, unmistakable, manifest, or plain.” *Fleck v Titan Tire Corp.*, 177 F.Supp. 2d 605, 624 (E.D. Mich. 2001). “[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” L.R. 7.1(g)(3).

Defendant asserts that the Court erred in multiple respects. However, the Court is not persuaded that any of the grounds asserted establish a palpable defect in the Court’s ruling which warrants reconsideration. Defendant’s motion for reconsideration is **DENIED**.

The remaining motion and “notice” pertain to Defendant’s “request for admissions” which he says was served upon Plaintiff pursuant to FRCP 36. Because the Court granted Plaintiff’s Motion for Summary Judgment and entered a Judgment in Plaintiff’s favor on October 23, 2006, Defendant’s motion and notice are **MOOT**.

IT IS SO ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 6, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and Plaintiff by electronic means or U.S. Mail on November 6, 2006.

s/Linda Vertriest
Deputy Clerk